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October 15, 2003

***Sent via Facsimile & U.S. Mail***

Neil F. Freund, Esq.  
FREUND, FREEZE & ARNOLD, LPA  
One Dayton Centre  
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Dayton, Ohio 45402-2017

**Re: *Estate of Roger D. Owensby, Jr. v. City of Cincinnati, et al,*  
Case No. 01-CV-769 (S.D. Ohio)**

Dear Neil:

I write concerning Defendants City of Cincinnati and Thomas Streicher's Motion to Bifurcate. In your Motion, you argue that bifurcation is warranted and will promote judicial economy because a second trial against the City of Cincinnati "is almost never necessary since municipalities almost always will consent that it is responsible in the event of an adverse verdict against the officers." Dkt. 57, Motion to Bifurcate, p. 7.

Therefore, enclosed please find a Stipulation establishing that Defendant City of Cincinnati will pay any judgment or settlement rendered against the individual officers in this action. Please return the signed Stipulation within the next week, by Wednesday, October 22, 2003.

Sincerely,



Paul B. Martins

PBM:kmr  
Enclosure

cc: Mark T. Tillar, Esq.  
John J. Helbling, Esq.  
Donald E. Hardin, Esq.  
Wilson G. Weisenfelder, Jr., Esq.  
Dale A. Stalf, Esq.  
Ravert J. Clark, Esq.  
Geri H. Geiler, Esq.

Exhibit A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ESTATE OF  
ROGER D. OWENSBY JR.,

Plaintiff,

V.

CITY OF CINCINNATI, ET AL.,

Defendants.

Case No. 01-CV-769

Senior Judge S. Arthur Spiegel

## STIPULATION

Defendant City of Cincinnati hereby stipulates that it will fully satisfy and pay within thirty days any amount of liability, howsoever determined by way of judgment, settlement, or Court award, established against any and all of the individual defendant City of Cincinnati police officers, Robert B. Jorg, Patrick Caton, David Hunter, Darren Sellers, Jason Hodge, and/or Victor Spellman.

**SO STIPULATED:**

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